

JAP:ACG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

15M 532

COMPLAINT

- against -

JUAN ZHAGNAY GUAMAN,

(T. 8, U.S.C. §§ 1326(a)
and 1326(b)(2))

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

Dennis Carroll, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about June 10, 2015, within the Eastern District of New York and elsewhere, the defendant JUAN ZHAGNAY-GUAMAN, being an alien who had previously been arrested and convicted of an aggravated felony, and was thereafter excluded and removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, was found in the United States

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Deportation Officer with United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the ICE investigative file, including the defendant's criminal history record and from reports of other law enforcement officers involved in the investigation.

2. A review of the defendant's criminal history indicates that on or about January 3, 2005, the defendant was convicted of Attempted Assault in the Second Degree, in violation of Sections 110.00 and 120.05 of the New York State Penal Law, an aggravated felony offense. The defendant, a citizen of Ecuador, was sentenced to an indeterminate prison term of from 2 years to 4 years. The defendant was removed from the United States on December 1, 2006.

3. On August 3, 2009, the defendant was convicted of Illegal Re-entry, in violation of 8 U.S.C. § 1326, in the United States District Court for the Southern District of New York. The defendant was sentenced to a prison term of 30 months, followed by 2 years of supervised release. The defendant was removed from the United States on May 6, 2011.

4. On June 10, 2015, the defendant was observed by me, along with agents from the United States Marshals Regional Fugitive Task Force ("Task Force"), near the subway station located at 103rd Street and Roosevelt Avenue, Queens, New York. I, along with others from the Task Force, determined that the defendant was the same person that had been previously

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

deported by comparing a photograph taken in connection with the defendant's arrest that resulted in his January 3, 2005 conviction and a photograph taken after his May 6, 2011 deportation.

After identifying the defendant from the photographs, we approached and apprehended the defendant.

5. On June 10, 2015, following his arrest, the defendant made a full and knowing waiver of his Miranda rights. The defendant JUAN ZHAGNAY-GUAMAN stated, in sum and substance, that he was removed from the United States by ICE previously, that he had not applied to the Attorney General of the United States for permission to reenter the United States after being removed, that he understood that entering the United States after removal without permission was illegal, and that he had last entered the United States about three weeks ago.

6. The defendant's fingerprints were taken following his arrest on June 10, 2015. An official from ICE trained in fingerprint analysis compared the fingerprints taken in connection with the defendant's June 10, 2015 arrest with the fingerprints taken in connection with the defendant's January 3, 2005 conviction, December 1, 2006 removal, as well as the May 6, 2011 removal and determined that the all four sets of fingerprints were made by the same individual.

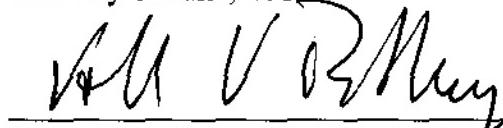
7. A search of ICE records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant JUAN ZHAGNAY GUAMAN be dealt with according to law.



Dennis Carroll
Deportation Officer, United States Immigration and Customs Enforcement

Sworn to before me this
10th day of June, 2015



THE HONORABLE VIKTOR V. BOHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK